

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 16, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-20027 - APPLICANT: WILLOW PINES RANCH,  
OWNER: SELECTIVE HOLDINGS, INC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to the Conditions of Approval for Special Use Permit (U-96-00) and the Review of Conditions (ROC-5988) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

## \*\* STAFF REPORT \*\*

### PROJECT DESCRIPTION

This request is for a Variance to allow non-habitable accessory structures (horse facilities) on 4.45 acres, on property located at 5770 West Rosada Way. The R-E (Residence Estates) zoned property is developed with a single family residence with a use of a licensed commercial horse boarding and training facility.

### BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
Month/date/year	Action
09/20/00	The City Council approved the Special Use Permit (U-0096-00) to allow a commercial horse boarding and training facility on this site, subject to a six-month review. The Planning Commission and staff recommended approval.
04/18/01	The City Council approved a Required Six-Month Review [U-0096-00(1)] of the Special Use Permit (U-0096-00) to allow the commercial horse boarding and training facility on this site, subject to a five year review. The Planning Commission and staff recommended approval.
02/03/05	Code Enforcement verified there were no outstanding violations related to the approved Special Use Permit at this location and that the facility appeared to be operating in an appropriate manner.
03/02/05	The City Council approved a Review of Condition (ROC-5988) Number 2 of an approved Special Use Permit (U-0096-00) to allow 58 horses where a maximum of 28 horses were allowed at the subject commercial horse boarding and training facility. Staff recommended approval.
03/01/06	The City Council approved a required one year review (RQR-11039) of an approved Review of Condition (ROC-5988) and a Five Year Review of an approved Special Use Permit (U-0096-00) that allowed 58 horses where a maximum of 28 horses were allowed for a commercial horse boarding and training facility at 5770 West Rosada Way.
04/12/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #11/lhm).
<i>Related Building Permits/Business Licenses</i>	
07/06/1999	Barn construction (Permit 99007081)
10/06/1999	Electric to Barn (Permit 99018469)
11/03/1999	Electric Repairs (Permit 990018469)
08/23/2000	Meter Tag (Permit 14894)
09/20/2000	Wood Fence (Permit 17251)
09/27/00	Business License for boarding, stabling and training riding horses (R19-00002)
01/21/2003	Single Family Dwelling (Permit 2002404)

<b><i>Pre-Application Meeting</i></b>	
01/16/07	Advised applicant a Variance would be required for a covered riding arena. Include table on site plan detailing square footage of all structures on the site.
<b><i>Neighborhood Meeting</i></b>	
Month/date/year	A neighborhood meeting was not required, nor was one held.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	4.54 acres
Net Acres	4.50 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial Horse Boarding And Training Facility	R (Rural Density Residential)	R-E (Residence Estates)
North	Single Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Single Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residences	ML (Medium Low Density Residential)	R-PD9 (Residential Planned Development – 9 Units Per Acre)
West	Single Family Residences	R (Rural Density Residential)	R-E (Residence Estates)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (175 Feet)	X		N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>	X		Y
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## **Airport Overlay**

A single family dwelling and non-habitable structures (horse facilities) exist on the subject site and are not affected by the 175-foot height requirement.

### **Rural Preservation Overlay District**

The subject site falls within a Rural Preservation Neighborhood 330 buffer zone. This designation has no impact on this item. The subject parcel is indicated as a part of the Rural Preservation Neighborhood (SB 391). The Rural Preservation Neighborhood allows the raising or keeping of animals commercially or non-commercially.

### **DEVELOPMENT STANDARDS**

*As per code section 19.08*

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	20,000 sf	196,421 sf	Y
Min. Lot Width	100 feet	322 feet	Y
Min. Setbacks <ul style="list-style-type: none"><li>• Front</li><li>• Side</li><li>• Corner</li><li>• Rear</li></ul>	50 feet 10 feet 15 feet 35 feet	60 feet 10 feet N/A 135 feet	Y Y N/A Y
Min. Distance Between Buildings	6 feet	6 feet	Y
Max. Lot Coverage (50% of Side/Rear Yard)	75,000 sf	21,122 sf	Y

### **ANALYSIS**

The subject property is a 4.45 acre, licensed, commercial horse boarding and training stable (U-96-00). The submitted site plan depicts a 6,272 square foot single family dwelling (including garage). Also shown are eight existing non-habitable structures on the side and rear portions of the property and a proposed covered arena. The majority of the structures are considered to be located in the side yard due to the front of the house being oriented on the longest side of the parcel facing Rosada Way.

Three of the non-habitable structures are permanent and five are non-permanent or movable covered pipe corrals and small sheds. The combined square footage of the non-habitable structures and the proposed covered arena is 21,122 square feet. Title 19.08.040 development standards require accessory structures to cover no more than 50 percent of the side and rear yards. The square footage of the side and rear yard of the subject property is approximately 150,000 square feet and the allowable amount of structure coverage on the subject parcel is 75,000 square feet, thus, the 21,122 square feet of non-habitable structures does not exceed the allowable coverage of 50% of the rear yard.

Title 19.08.040 also requires the total floor area of the non-habitable structures to not exceed 50 percent of the floor area of the principle dwelling constructed on the same lot. As stated, the single family dwelling including the garage is shown as 6,272 square feet on the site plan. Fifty per cent of the floor area of the single family dwelling is 3,136 square feet. The combined square feet of the non-habitable structures and proposed covered riding arena exceeds the allowable 50% square footage of the main dwelling by 16,609 square feet.

#### Zoning Code Compliance as per 19.08.040

1. Accessory Structures. Accessory structures on any lot in any residential district shall conform to the following:

Size and Coverage. The total floor area of all accessory structures shall not exceed 50 percent of the floor area of the principle dwelling unit constructed on the same lot. In addition, the main aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard; and further, in the zoning districts where lot coverage provisions exist, the aggregate total of the ground floor areas of all structures and dwellings shall not exceed the percentage of lot coverage permitted in that zoning district.

Approval by the City Council of a Special Use Permit (U-96-00) in 2000 for a commercial horse boarding and training facility and approval of a Review of Conditions (ROC-5988) to increase the number to allow 58 horses in the facility, indicates the shelter and confinement requires structures of this type and be allowed. Staff recommends approval of the Variance to allow the existing non-habitable structures (horse facilities) and the proposed covered riding arena .

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The unusual nature of the size of this parcel makes this request unique. Allowing the non-habitable accessory structures (horse facilities) on the subject parcel would not result in any detrimental effects to human health or public safety. Staff supports the requested Variance.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 6

**NOTICES MAILED** 318 by City Clerk

**APPROVALS** 0

**PROTESTS** 0